

House No. 4164

Message from His Excellency the Governor recommending legislation relative to An Act establishing readiness schools.

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

7/17/2009

To the Honorable Senate and House of Representatives:

I am filing for your consideration the attached legislative proposal, entitled "An Act Establishing Readiness Schools."

This bill establishes three categories of "Readiness" Schools – Advantage Schools, Alliance Schools and Acceleration Schools – that are intended both to turn around the Commonwealth's worst performing schools and to promote educational innovation and achievement in public schools throughout the state.

In Massachusetts in 2008, 70 percent of English Language Learners and 40 percent of low-income students in the Class of 2010 failed to meet MCAS graduation requirements. Approximately 70 percent of African American and 60 percent of Latino students graduated from high school in four years compared to approximately 90 percent of White students. On the 2007 National Assessment of Educational Progress, compared to other states, Massachusetts had some of the largest achievement gaps between White students and both African-American and Latino students, and between lower- and higher-income students in reading and mathematics.

These alarming statistics highlight the immediate need to fix our failing schools and close these achievement gaps. This legislation enhances our ability to address these issues by expanding the authority of the Commissioner of Elementary and Secondary Education to intervene in underperforming and chronically underperforming schools. Specifically, the legislation authorizes the Commissioner to convert these schools into "Readiness Acceleration Schools" and to develop an "innovation plan" and a performance contract with consultation from local stakeholders to remedy the schools' consistent underperformance. The innovation plan will include wrap-around services to meet social service, health, and workforce development needs of students and families and to provide professional development opportunities for teachers and school leaders. The innovation plan also will permit greater autonomy and

flexibility in the areas of curriculum, budget, school schedule and calendar, staffing (including waivers or exemptions from teacher contract provisions), and district policies.

The bill also establishes two types of innovative, in-district public schools: “Readiness Advantage Schools” and “Readiness Alliance Schools,” that will:

- Promote high levels of student achievement through the use of a performance contract;
- Foster innovation by allowing parents, teachers, universities, museums, non-profit organizations, and other groups to partner with the proposed schools;
- Feature high degrees of flexibility and autonomy in the areas of curriculum, budget, school schedule and calendar, staffing (including exemptions or waivers from teacher contract provisions) and school district policies; and
- Allow educators fundamentally to transform classroom instruction.

This legislation is a critical part of the effort to turn around our worst-performing schools and to facilitate innovative approaches to education throughout the state. It also is a key element of Massachusetts’s strategy to secure federal “Race to the Top” funding, which will provide \$4.35 billion nationwide through the American Recovery and Reinvestment Act to improve public schools.

I urge your prompt and favorable consideration of this bill.

Sincerely,

DEVAL L. PATRICK,

Governor.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act ESTABLISHING READINESS SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 69 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out section 1J and inserting in place thereof the following section:-

Section 1J. Designation of underperforming and chronically underperforming schools as Readiness Acceleration Schools; innovation plan and performance contract; evaluation; renewal

Determination of underperforming and chronically underperforming schools

(a) The commissioner of elementary and secondary education may, on the basis of student performance data collected pursuant to section 1I of this chapter, a school or district review performed pursuant to section 55A of Chapter 15 of the General Laws, or regulations adopted by the board of elementary and secondary education, designate 1 or more schools in a school district as underperforming or chronically underperforming. Any school so designated by the commissioner shall be known as a Readiness Acceleration School. The board shall adopt regulations establishing standards for the commissioner to make such designations on the basis of data collected pursuant to section 1I of this chapter, or a school or district review performed pursuant to section 55A of chapter 15 of the General Laws.

A Readiness Acceleration School shall operate in accordance with the provisions of law regulating other public schools, except as such provisions may conflict with the provisions of this section or the provisions of any innovation plans or performance contracts created thereunder. Any student who is enrolled in a school that is subsequently designated as a Readiness Acceleration School shall retain the ability to remain enrolled in such school.

Acceleration Schools – innovation plan and performance contract

(b) Upon designating 1 or more schools in a school district as a Readiness Acceleration School, the commissioner shall create, for each such school: (1) a draft innovation plan, pursuant to the provisions of subsections (c) through (f); and (2) a performance contract, pursuant to the provisions of subsection (k). In creating the draft innovation plan, the commissioner shall include provisions intended to maximize the academic achievement of students at the applicable school and shall, to the extent practicable, base the plan and performance contract on longitudinal student outcome data, including, but not limited to: (1) data collected pursuant to section 1I of this chapter, or a school or district review performed pursuant to section 55A of chapter 15 of the General Laws; (2) student achievement on the Massachusetts Comprehensive Assessment System; (3) other measures of student achievement, as appropriate; (4) student promotion and graduation rates; (5) achievement data for different subgroups of students, including low-income students, English Language Learners, and students receiving special education; (6) student attendance rates; and (7) data related to student health and wellness.

Acceleration Schools – required consultation on draft innovation plan and performance contract

(c) Before creating the draft innovation plan and performance contract required in subsection (b), the commissioner shall convene a group of stakeholders for the purpose of soliciting recommendations as to how such plan and contract should be structured in order to maximize the academic achievement of students and the rapid improvement of the applicable school. Such group shall consist of not less than the following individuals: (1) the applicable superintendent, or his designee; (2) the chair of the applicable

school committee, or his designee; (3) the president of the applicable local teacher union, or his designee; (4) a selection of administrators, teachers and parents from the applicable school; (5) representatives of applicable state and local social service, health, and child welfare agencies; and (6) as appropriate, representatives of state and local workforce development agencies.

Acceleration Schools – mandatory components of draft innovation plan and performance contract

(d) In creating the draft innovation plan required and performance contract in subsection (b), the commissioner shall include, after considering the recommendations of the group of stakeholders in subsection (c), not less than 2 of the following: (1) steps to address social service and health needs of students at the school, and their families, in order to help students arrive at school ready to learn; (2) steps to improve or expand child welfare services and, as appropriate, law enforcement services in the school community, in order to promote a safe and secure learning environment; (3) as applicable, steps to improve workforce development services provided to students at the school, and their families, in order to provide students and families with meaningful employment skills and opportunities; (4) the provision of job-embedded professional development for teachers at the school, with an emphasis on strategies that involve teacher input and feedback; (5) increased opportunities for teacher planning time and collaboration focused on improving student instruction; (6) the provision of professional development for administrators at the school, with an emphasis on strategies that develop leadership skills and utilize the principles of distributive leadership.

The secretaries of health and human services, labor and workforce development, public safety and security, and other applicable state and local social service, health, and child welfare officials shall coordinate with the secretary of education and the commissioner regarding the implementation of strategies pursuant to paragraphs (1) through (3) of this subsection that are included in a final innovation plan pursuant to subsection (f) or (g) and shall, subject to appropriation, reasonably support such

implementation consistent with the requirements of state and federal law applicable to the relevant programs that each such official is responsible for administering.

Acceleration Schools – permissible components of draft innovation plan

(e) In creating the draft innovation plan required in subsection (b), the commissioner may, after considering the recommendations of the group of stakeholders in subsection (c): (1) expand, alter, or replace the curriculum of the applicable school; (2) reallocate the uses of the existing budget of the school; (3) provide additional funds to the school from the budget of the district, if the school does not already receive funding from the district at least equal to the average per pupil funding received for students of the same classification and grade level in the district; (4) provide funds, subject to appropriation, to increase the salary of any administrator or teacher in the school, in order to attract highly qualified administrator or teacher candidates; (5) expand the school day or school year of the school; (6) limit, suspend, or change 1 or more provisions of any contract or collective bargaining agreement, as such contract or agreement applies to the school, which change may include the adoption of model provisions identified by the commissioner from among existing contracts or collective bargaining agreements in the Commonwealth; (7) require administrators or teachers to reapply for their positions in the applicable school, with full discretion vested in the hiring authority regarding its consideration of and decisions on any such reapplications; (8) limit or suspend 1 or more school district policies, as such policies relate to the school; and (9) include additional components, at the discretion of the commissioner, based on findings of the department of elementary and secondary education.

Acceleration Schools – stakeholder review of draft plan; final innovation plan

(f) After creating the draft innovation plan required in subsection (b), the commissioner shall submit such draft plan to the group of stakeholders in subsection (c), who may propose modifications to the draft plan. The stakeholders shall submit any proposed modifications to the commissioner not more than 30 days after the date of submission of the draft plan. The commissioner shall consider and incorporate such

modifications into the plan if the commissioner determines that inclusion of such modifications would further promote: (1) the academic achievement of students at the applicable school; or (2) the rapid improvement of the applicable school. The commissioner may alter or reject modifications submitted pursuant to this subsection. Not more than 30 days after receiving any modifications pursuant to this subsection, the commissioner shall issue a final innovation plan for the applicable school, which plan shall be made publicly available.

Appeal of final innovation plan components

(g) Within 30 days of the issuance of a final innovation plan pursuant to subsection (f), a superintendent, school committee, or local teacher union may appeal to the board of elementary and secondary education regarding 1 or more components of such plan, including the absence of 1 or more modifications proposed by the group of stakeholders pursuant to subsection (f). A majority of the board, as fully constituted, may vote to modify the plan if the board determines that: (1) such modifications would further promote the academic achievement of students in the applicable school; (2) such modifications would further promote the rapid improvement of the applicable school; (3) a component of the plan was included, or a modification was excluded, on the basis of demonstrably false information or evidence; or (4) the commissioner failed to meet the requirements of subsections (c) or (f). The decision of the board regarding an appeal under this subsection shall be final.

Acceleration Schools – implementation of innovation plan

(h) In the case of an Acceleration School that is an underperforming school, the commissioner shall, upon the completion of a final innovation plan, transmit such plan to the applicable superintendent, who shall be responsible for implementing the plan. In the case of an Acceleration School that is a chronically underperforming school, the commissioner shall, upon the completion of a final innovation plan, select an external receiver to operate the school, who shall be responsible for implementing the plan. For purposes

of this section, a receiver shall be a non-profit entity with a demonstrated record of success in improving low-performing schools or the academic performance of disadvantaged students.

Special rule – implementation of innovation plan in underperforming schools

(i) Notwithstanding the provisions of subsection (h), the commissioner may, under the circumstances described in this subsection, select an external receiver, as defined in subsection (h), to implement the innovation plan in the case of an Acceleration School that is an underperforming school. The commissioner may appoint such receiver only when he determines that: (1) the applicable superintendent is unlikely to implement such plan successfully; or (2) conditions exist in the district that are likely to negatively affect the ability of the superintendent to implement such plan successfully. A superintendent may appeal to the board of elementary and secondary education the decision of the commissioner to appoint an external receiver pursuant to this subsection. A majority of the board, as fully constituted, may vote to reverse such decision if the board determines that the commissioner made the decision on the basis of demonstrably false information or evidence.

Acceleration schools – employer of record

(j) Any external receiver selected by the commissioner to operate an Acceleration School pursuant to subsections (h) or (i) shall have full managerial and operational control over such school; provided, however, that the school district in which the Acceleration School is located shall remain the employer of record for all other purposes.

Acceleration Schools – implementation of performance contract

(k) In creating the performance contract for each Acceleration School, the commissioner shall consider the recommendations of the group of stakeholders in subsection (c), and shall include in the contract not less than the components specified in subsection (n) of section 91 of chapter 71 of the General Laws. Each performance contract shall be authorized for a period of not more than 5 years,

subject to the provisions of subsection (l). The commissioner and the superintendent or external receiver, as applicable, may jointly develop additional components of the performance contract, and shall jointly develop annual goals for each component of the performance contract. The superintendent or external receiver, as applicable, shall be responsible for meeting the goals of the performance contract.

Acceleration Schools – annual evaluation

(l) The commissioner shall evaluate each Acceleration School on not less than an annual basis. The purpose of such evaluation shall be to determine whether the school has met the annual goals in its performance contract and assess the implementation of the innovation plan at the school. In any case in which the commissioner determines that the school has not met 1 or more goals in the performance contract, and that the failure to meet such goals may be corrected through reasonable modification of the contract, an amendment of the performance contract shall be permitted. In any case in which the commissioner determines that the school has substantially failed to meet multiple goals in the performance contract, the commissioner may: (1) in the case of an Acceleration School operated by a superintendent, appoint an external receiver, as defined in subsection (h), to operate the school; or (2) in the case of an Acceleration School operated by an external receiver, terminate the performance contract of such receiver. The commissioner shall not exercise the options under paragraph (1) or (2) of this subsection before the completion of the third full school year of the operation of the Acceleration School.

After assessing the implementation of the innovation plan at the school, the commissioner may amend the plan if the commissioner determines that: (1) the failure of the school to meet 1 or more goals in the performance contract is related to 1 or more components of the innovation plan; or (2) such amendment is necessary in view of subsequent changes in the district that affect 1 or more components of the plan, including, but not limited to, changes to contracts, collective bargaining agreements, or school district policies.

Acceleration Schools – renewal of performance contract

(m) Upon the expiration of a performance contract for an Acceleration School as determined under subsection (k), the commissioner may: (1) on the basis of a superintendent's or external receiver's success in meeting the terms of the performance contract, renew the performance contract with the superintendent or external receiver, as applicable, for an additional period of not more than 5 years; (2) in the case of an Acceleration School that is operated by a superintendent and remains underperforming, appoint an external receiver, as defined in subsection (h), to operate the school; (3) in the case of an Acceleration School that is operated by an external receiver and remains underperforming or chronically underperforming, transfer the operation of the school from the receiver to the applicable superintendent, or to another external receiver, as defined in subsection (h). In carrying out the provisions of this subsection, the commissioner shall: (1) in the case of a renewal of a performance contract, jointly determine subsequent annual goals for each component of the performance contract with the superintendent or external receiver, as applicable; or (2) create a new or modified innovation plan and performance contract as necessary, consistent with the requirements of this section.

Acceleration Schools – removal of underperforming/chronically underperforming designation

(n) The board of elementary and secondary education shall adopt regulations regarding: (1) the conditions under which an Acceleration School will no longer be designated as an underperforming or chronically underperforming school; and (2) transfer of the operation of an Acceleration School from an external receiver to the applicable superintendent. Such regulations shall include provisions to allow an Acceleration School to retain measures adopted in a final innovation plan issued under subsection (f) or (g) of this section if, in the judgment of the commissioner, such measures would contribute to the continued improvement of the school.

SECTION 2. Chapter 69 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out section 1K and inserting in place thereof the following section:-

Section 1K. Identification of chronically underperforming district; designation of receiver; innovation plan; performance contract; evaluation; removal of district from receivership

Designation of chronically underperforming district

(a) Upon a determination by the board of elementary and secondary education, pursuant to regulations adopted by the board, that a school district has consistently failed to improve the performance of students attending school in the district, the commissioner shall appoint an independent fact-finding team to assess the reasons for the underperformance and the prospects for improvement. Upon review of the findings of the fact-finding team, the board may declare the district chronically underperforming. Following such a declaration, the board shall designate a receiver for the district with all the powers of the superintendent and school committee. The receiver shall be a non-profit entity with a demonstrated record of success in improving low-performing schools or the academic performance of disadvantaged students, and shall report directly to the commissioner. Any external receiver designated by the commissioner to operate a district under this subsection shall have full managerial and operational control over such district; provided, however, that the school district shall remain the employer of record for all other purposes.

Chronically underperforming district – innovation plan and performance contract

(b) The commissioner and the receiver shall jointly create an innovation plan and performance contract to promote the rapid improvement of the chronically underperforming district. In creating the innovation plan, the commissioner and receiver shall include measures intended to maximize the academic achievement of students in the applicable district and shall, to the extent practicable, base the plan and performance contract on longitudinal student outcome data, including, but not limited to: (1) data collected pursuant to section 1I of this chapter, or a school or district review performed pursuant to section 55A of chapter 15 of the General Laws; (2) student achievement on the Massachusetts Comprehensive Assessment System; (3) other measures of student achievement, as appropriate; (4)

student promotion and graduation rates; (5) achievement data for different subgroups of students, including low-income students, English Language Learners, and students receiving special education; (6) student attendance rates; and (7) data related to student health and wellness.

Chronically underperforming district – required consultation

(c) Before creating the innovation plan and performance contract required in subsection (b), the commissioner and receiver shall convene a group of stakeholders for the purpose of soliciting recommendations as to how such plan and contract should be structured in order to maximize the rapid improvement of the district. Such group shall consist of not less than the following individuals: (1) the applicable superintendent, or his designee; (2) the chair of the applicable school committee, or his designee; (3) the president of the applicable local teacher union, or his designee; (4) a selection of administrators, teachers and parents from the applicable district ; (5) representatives of applicable state and local social service, health, and child welfare agencies; and (6) as appropriate, representatives of state and local workforce development agencies.

Chronically underperforming district – mandatory components of innovation plan

(d) In creating the innovation plan required in subsection (b), the commissioner and receiver shall include, after considering the recommendations of the group of stakeholders in subsection (c), not less than 2 of the following: (1) steps to address social service and health needs of students in the district, and their families, in order to help students arrive at school ready to learn; (2) steps to improve or expand child welfare services and, as appropriate, law enforcement services in the school district community, in order to promote a safe and secure learning environment; (3) as applicable, steps to improve workforce development services provided to students in the district, and their families, in order to provide students and families with meaningful employment skills and opportunities; (4) the provision of job-embedded professional development for teachers in the district, with an emphasis on strategies that involve teacher input and feedback; (5) increased opportunities for teacher planning time and collaboration focused on

improving student instruction; (6) the provision of professional development for administrators in the district, with an emphasis on strategies that develop leadership skills and utilize the principles of distributive leadership.

The secretaries of health and human services, public safety and security, labor and workforce development, and other applicable state and local social service, health, and child welfare officials shall coordinate with the secretary of education and the commissioner regarding the implementation of strategies pursuant to paragraphs (1) through (3) of this subsection that are included in an innovation plan and shall, subject to appropriation, reasonably support such implementation consistent with the requirements of state and federal law applicable to the relevant programs that each such official is responsible for administering.

Chronically underperforming district – permissible components of innovation plan

(e) In creating the innovation plan under subsection (b), the commissioner and the receiver may, after considering the recommendations of the group of stakeholders in subsection (c): (1) expand, alter, or replace the curriculum of the district; (2) reallocate the uses of the existing budget of the district; (3) provide funds, subject to appropriation, to increase the salary of any administrator or teacher in the district, in order to attract highly qualified administrator or teacher candidates; (4) expand the school day or school year of schools in the district; (5) limit, suspend or change 1 or more provisions of any contract or collective bargaining agreement in the district, which change may include the adoption of model provisions identified by the commissioner from among existing contracts or collective bargaining agreements in the Commonwealth; (6) require district administrators, school administrators or teachers to reapply for their positions within the district, with full discretion vested in the hiring authority regarding its consideration of and decisions on any such reapplications; (7) limit or suspend 1 or more school district policies; and (8) include additional components, at the discretion of the commissioner, based on findings of the department of elementary and secondary education.

Chronically underperforming district – performance contract for receiver

(f) In creating the performance contract for the chronically underperforming district in subsection (b), the commissioner and the receiver shall consider the recommendations of the group of stakeholders described in subsection (c), and shall include in the contract not less than the components specified in subsection (n) of section 91 of chapter 71 of the General Laws, which shall be adapted with reference to the district. The performance contract shall be authorized for a period of not more than 5 years, subject to the provisions of subsection (g). The commissioner and receiver, as applicable, may jointly develop additional components of the performance contract, and shall jointly develop annual goals for each of the components of the performance contract. The receiver shall be responsible for meeting the goals of the performance contract.

Chronically underperforming district – evaluation of receiver

(g) The commissioner shall evaluate the performance of the receiver on not less than an annual basis. The purpose of such evaluation shall be to determine whether the district has met the annual goals in its performance contract and assess the implementation of the innovation plan in the district. In any case in which the commissioner determines that the receiver has not met 1 or more goals in the performance contract, and that the failure to meet such terms may be corrected through reasonable modification of such contract, the commissioner may amend the performance contract, as necessary. In any case in which the commissioner determines that the receiver has substantially failed to meet multiple goals in the performance contract, the commissioner may terminate the performance contract of such receiver, except that such termination shall not occur before the completion of the third full school year of the receivership of the district.

After assessing the implementation of the innovation plan in the district, the commissioner may amend the plan if the commissioner determines that: (1) the failure of the district to meet 1 or more goals in the performance contract is related to 1 or more components of the innovation plan; or (2) such

amendment is necessary in view of subsequent changes in the district that affect 1 or more components of the plan, including, but not limited to, changes to contracts, collective bargaining agreements, or school district policies.

Chronically underperforming district – removal of chronically underperforming designation

(h) The board of elementary and secondary education shall adopt regulations providing for: (1) the removal of a designation of a district as chronically underperforming; and (2) transfer of the operation of a chronically underperforming district from an external receiver to the superintendent, based on the improvement of such district. Such regulations shall include measures to allow a district to retain measures adopted pursuant to subsections (d) and (e) of this section if, in the judgment of the commissioner, such measures would contribute to the continued improvement of the district. At any time after a chronically underperforming district has been placed in receivership, the school committee of such district may petition the commissioner for a determination as to whether the innovation plan adopted pursuant to subsection (b) should be modified or eliminated, and whether the school district shall no longer be designated as chronically underperforming. The decision of the commissioner shall be based on regulations adopted by the board pursuant to this subsection. A school committee may seek review by the board of elementary and secondary education of any adverse determination. The determination of the board shall be subject to judicial review in accordance with the provisions of section 14 of chapter 30A of the General Laws.

Chronically underperforming district – renewal of performance contract for receiver

(i) If, on the basis of the regulations adopted by the board pursuant to subsection (h), a district has not improved sufficiently to remove the designation of such district as chronically underperforming, the commissioner may: (1) jointly determine subsequent annual goals for each component of the performance contract with the receiver, and renew the performance contract for an additional period of not more than 5

years; or (2) create a new innovation plan and performance contract, consistent with the requirements of this section.

Chronically underperforming district – designation for fiscal reasons

(j) If a municipality has failed to fulfill its fiscal responsibilities to education under chapter 70 of the General Laws, the commissioner shall declare the school district such municipality serves as chronically underperforming, subject to the approval of the board of elementary and secondary education. The municipality's mayor or chairman of the board of selectmen shall have the opportunity to present evidence to the board. A vote by the board that a school district is chronically underperforming for fiscal reasons shall authorize the commissioner to petition the commissioner of revenue to require an increase in funds for the school district, alleging that the amount necessary in said community for the support of public schools has not been included in the annual budget appropriations. The commissioner of revenue shall determine the amount of any deficiency pursuant to the sums required under chapter 70, if any, and issue an order compelling the community to provide a sum of money equal to such deficiency. If the community does not provide a sum of money equal to such deficiency, the commissioner of revenue, in accordance with his or her powers in section 23 of chapter 59 of the General Laws, shall not approve the tax rate of the community for the fiscal year until the deficiency is alleviated. Nothing in this subsection shall be construed as creating a cause of action for educational malpractice by students or their parents, guardians or persons acting as parents.

SECTION 3. Chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 90 the following section:-

Section 91: Readiness Schools; approval process; innovation plan; performance contract; evaluation

Definition and general authorizing provision

(a) A Readiness School shall be a public school, operating within a public school district, that is established for the purpose of improving school performance and student achievement by utilizing increased autonomy and flexibility. A Readiness School may be established as a new public school or as a conversion of an existing public school. Any student who is enrolled in a school that is subsequently established as a Readiness School shall retain the ability to remain enrolled in such school.

There shall be three categories of Readiness Schools: Advantage Schools, Alliance Schools, and Acceleration Schools. Readiness Acceleration Schools shall be established pursuant to and governed by section 1J of chapter 69 of the General Laws. Readiness Advantage and Alliance Schools shall be established pursuant to and governed by this section. For purposes of the remainder of this section, Advantage and Alliance Schools shall be referred to collectively as Readiness Schools.

Readiness School autonomies – general provision

(b) A Readiness School shall have increased autonomy and flexibility in one or more of the following areas: (1) curriculum; (2) budget; (3) school schedule and calendar; (4) staffing policies and procedures, including waivers or exemptions from contracts or collective bargaining agreements; and (5) school district policies and procedures.

Innovation plan and performance contract – general provision

(c) A Readiness School established pursuant to this section shall be authorized by the local school committee and shall operate according to an innovation plan, which shall articulate the areas of autonomy and flexibility under subsection (b) that the school will utilize. Each Readiness School shall operate according to the terms of a performance contract, as provided under subsection (n). To the extent practicable, the innovation plan and performance contract shall be based on longitudinal student outcome data, including, but not limited to: (1) student achievement on the Massachusetts Comprehensive Assessment System; (2) other measures of student achievement, as appropriate; (3) student promotion and graduation rates; (4) achievement data for different subgroups of students, including low-income students,

English Language Learners, and students receiving special education; (5) student attendance rates; and (6) data related to student health and wellness.

A Readiness School shall operate in accordance with the provisions of law regulating other public schools, except as such provisions conflict with the provisions of this section or the provisions of any innovation plans or performance contracts created thereunder.

Readiness Advantage Schools – general provision

(d) An Advantage School is a Readiness School in which school faculty and leadership are primarily responsible for developing the innovation plan under which the school operates, and in which school leadership is responsible for meeting the terms of the performance contract. An Advantage School may include collaboration with 1 or more external partners to facilitate implementation of the innovation plan. An Advantage School may be established as a new public school or as a conversion of an existing public school.

Readiness Alliance Schools – general provision

(e) An Alliance School is a Readiness School in which 1 or more external partners is primarily responsible for developing the innovation plan under which the school operates, and in which the external partner or partners are responsible for meeting the terms of the performance contract. An Alliance School may include collaboration with school or district leadership or faculty to facilitate implementation of the innovation plan. An Alliance School may be established as a new public school or as a conversion of an existing public school.

DESE Oversight of Initiative

(f) The commissioner of elementary and secondary education shall be responsible for the overall organization, coordination, and monitoring of the Readiness Schools initiative, including, but not limited to: (1) the production of applications, forms, and other materials related to the approval process provided

in the succeeding subsections; (2) to the extent practicable, the provision of planning and implementation grants to eligible applicants to establish Readiness Schools; (3) to the extent practicable, provision of technical assistance and support to eligible applicants; (4) the collection and publication of data and research related to the Readiness Schools initiative; (5) the collection and dissemination of best practices in Readiness Schools that can be adopted by other public schools; (6) evaluation of Acceleration Schools established pursuant to section 1J of chapter 69; and (7) procedures to limit, suspend, or terminate the operation of a Readiness School under exigent academic, financial, or managerial circumstances. The board of elementary and secondary education shall promulgate regulations necessary to carry out the provisions of this section.

Multi-school applications; multi-district applications; academies

(g) Nothing in this section shall be construed as prohibiting: (1) the establishment of a Readiness School as an academy within an existing public school; (2) the establishment of a Readiness School serving students from 2 or more school districts, or (3) the simultaneous establishment of 2 or more Readiness Schools as a Readiness Schools Zone within a school district. The board of elementary and secondary education shall promulgate regulations providing for the establishment of a Readiness School in such cases, consistent with the provisions for establishing a Readiness School in this section.

Eligible Applicants

(h) The following shall be eligible applicants for the purposes of establishing a Readiness Advantage or Alliance School: (1) parents; (2) teachers; (3) parent-teacher organizations or parent-teacher associations; (4) principals; (5) superintendents; (6) school committees; (7) teacher unions; (8) colleges and universities; (9) community-based organizations; (10) non-profit business or corporate entities; (11) charter school operators; (12) non-profit education management organizations; (13) non-profit private schools; (14) educational collaboratives; (15) consortia of these groups; and (16) any entity authorized by the commissioner.

Advantage/Alliance approval process – prospectus

(i) Any eligible applicant proposing to establish an Advantage or Alliance School shall prepare a prospectus regarding such proposed school, subject to procedures established by the commissioner. The prospectus shall include, but not be limited to, a description of: (1) whether the school will be a new school or a conversion of an existing school; (2) if the school is a new school, the proposed location of the school; (3) if the school is a conversion of an existing school, the school that is being proposed for conversion; (4) whether the school will be an Advantage School or an Alliance School; (5) the external partners, if any, that will be involved in the school; (6) the number of students the school is anticipated to serve, and the number of staff expected to be employed at the school; (7) the overall vision for the school, including with respect to improving school performance and student achievement; (8) specific needs or challenges the school will be designed to address; (9) a preliminary assessment of the autonomy and flexibility under subsection (b) that the school will seek; (10) why such flexibility is necessary to carry out the objectives of the school; (11) anticipated components of the school's innovation plan; (12) a preliminary description of the process that will be used to involve appropriate stakeholders in the development of the innovation plan; and (13) a proposed timetable for development and establishment of the proposed school.

Advantage/Alliance approval process – screening committee

(j) Upon completion of the prospectus described in subsection (i), an eligible applicant shall submit such prospectus to the applicable superintendent, who shall convene a screening committee consisting of the superintendent or his designee; a school committee member or a designee selected by the applicable school committee; and a teacher selected by the applicable local teacher union from among volunteers in the district.

The screening committee shall review the prospectus for the overall purpose of determining whether the prospectus: (1) presents a sound and coherent plan for improving school performance and

student achievement; (2) supports or enhances existing educational efforts in the district; and (3) reasonably can be expanded into a comprehensive innovation plan. Within 30 days of receiving a prospectus, the screening committee shall decide, on the basis of a 2/3 vote, to accept, reject, or return the prospectus to the eligible applicant for revisions. In any case in which a prospectus is rejected or returned, the screening committee shall submit a detailed explanation for such decision to the eligible applicant. Any prospectus that is rejected or returned pursuant to this subsection may be revised and resubmitted for subsequent consideration.

Advantage/Alliance approval process – innovation plan committee

(k) Upon the acceptance of a prospectus by the screening committee under subsection (j), an applicant shall form a planning committee, pursuant to the requirements of this subsection. The purpose of the planning committee shall be to: (1) develop the innovation plan and performance contract described in subsection (c); (2) assure that appropriate stakeholders are represented in the development of the proposed Readiness School; and (3) provide meaningful opportunities for such stakeholders to contribute to the development of such school. The size and composition of the planning committee shall be determined by the applicant; provided, however, that the planning committee shall include not less than: (1) the applicant; (2) the superintendent or his designee; (3) a school committee member or his designee; (4) a parent who has 1 or more children enrolled in the applicable school district; (5) a principal; and (6) 2 teachers. The applicant shall select the parent from among nominees submitted by parent-teacher organizations or parent-teacher associations in the applicable district. If the district does not contain a parent-teacher organization or parent-teacher association, or if such organization or association does not submit nominees, the applicant shall select the parent from among volunteers in the area or community the proposed school is expected to serve. The applicant shall select the principal and 1 teacher from among volunteers in the applicable district, and 1 teacher from among nominees submitted by the applicable local teacher union.

439 *Advantage/Alliance approval process – innovation plan*

440 (l) Upon the formation of the innovation plan committee in subsection (k), such committee shall
441 develop the innovation plan for the proposed Readiness School, subject to procedures established by the
442 commissioner. The purpose of the innovation plan shall be to comprehensively articulate the areas of
443 autonomy and flexibility under subsection (b) that the proposed school will utilize. The innovation plan
444 shall include, but not be limited to: (1) a curriculum plan, which shall include a detailed description of the
445 curriculum and related programs for the proposed school, and how such curriculum is expected to
446 improve school performance and student achievement; (2) a budget plan, which shall include a detailed
447 description of how funds will be used differently in the proposed school to support school performance
448 and student achievement; (3) a school schedule plan, which shall include a detailed description of the
449 ways, if any, the program or calendar of the proposed school will be enhanced or expanded; (4) a staffing
450 plan, which shall include a detailed description of how school administrators and faculty will be recruited,
451 employed, evaluated, and compensated, in the proposed school, and any proposed waivers or exemptions
452 from the local teacher contract; (5) a policy and procedures plan, which shall include a detailed
453 description of the unique operational policies and procedures to be utilized by the proposed school, and
454 how such procedures will support school performance and student achievement.

455 *Staffing plan – rule of construction*

456 (m) The provisions of the local teacher contract shall be deemed to be in operation at a Readiness School,
457 except to the extent such provisions are expressly proposed for waiver or exemption under the staffing
458 plan in subsection (l), and such waivers or exemptions are approved pursuant to the succeeding
459 subsections.

460 *Advantage/Alliance approval process – performance contract*

461 (n) Upon completion of the innovation plan in subsection (l), the planning committee shall develop a
462 performance contract for the proposed Readiness School. The purpose of the performance contract shall

be to assess the proposed school across multiple measures of school performance and student success, and shall include measurable annual goals regarding, but not limited to, the following: (1) student attendance; (2) student safety and discipline; (3) student promotion and graduation; (4) student achievement on the Massachusetts Comprehensive Assessment System; (5) progress in areas of academic underperformance; (6) progress among subgroups of students, including low-income students, English Language Learners, and students receiving special education; (7) reduction of achievement gaps among different groups of students; (8) student acquisition and mastery of 21st-century skills; (9) development of college readiness, including at the elementary and middle school levels; (10) parent and family engagement; (11) student health and wellness, including socio-emotional development; (12) building a culture of academic success among students; and (13) building a culture of student support and success among school faculty and staff.

Advantage/Alliance approval process – innovation plan & performance contract approval

(o) Upon completion of the innovation plan in subsection (l) and the performance contract in subsection (n), the applicant shall, in the case of a new school, submit such plan and contract to the local school committee for approval, subject to the requirements of subsection (p). In the case of a school conversion, the applicant shall submit the innovation plan and performance contract to teachers in the school that is proposed for conversion for approval by secret ballot within 30 days. A simple majority vote of the teachers shall be required to approve such plan and contract. Upon approval of an innovation plan and performance contract by the teachers, the plan and contract shall be submitted immediately to the school committee. In any case in which a simple majority vote is not achieved, the committee may revise the innovation plan and performance contract, as necessary, and submit such revised plan and contract to the teachers for a subsequent vote.

Advantage/Alliance approval process – final approval by school committee

(p) A school committee shall, upon receipt of an innovation plan and performance contract regarding a Readiness School pursuant to subsection (o), hold not less than 1 public hearing related to the establishment of such school. Subsequent to such public hearing, but not later than 60 days after the receipt of the innovation plan and performance contract, the school committee shall, on the basis of the quality of the plan and contract, and in consideration of comments submitted by the public, undertake a final vote to authorize the Readiness School for a period of not more than 5 years, subject to the provisions of subsection (q). Approval of the majority of the school committee as fully constituted shall be required to authorize a Readiness School. In any case in which such approval is not achieved, a planning committee may revise the innovation plan and performance contract and: (1) in the case of a new school, submit such revised plan and contract to the school committee for a subsequent vote; or (2) in the case of a conversion, submit such revised plan and contract to the teachers in the school that is proposed for conversion for a vote, pursuant to the requirements of subsection (o) and, provided the plan and contract meet the requirements for approval under subsection (o), submit such revised plan and contract to the school committee for a subsequent vote. A school committee shall vote on a revised plan and contract submitted pursuant to this subsection within 60 days of the receipt of such plan and contract.

Advantage/Alliance approval process – evaluation

(q) All Readiness Schools authorized under subsection (p) shall be evaluated by the superintendent on not less than an annual basis. The superintendent shall transmit such evaluation to the school committee. The purpose of such evaluation shall be to determine whether the school has met the annual goals in its performance contract and assess the implementation of the innovation plan at the school. In any case in which the school committee determines, on the advice of the superintendent, that the school has not met 1 or more goals in the performance contract, and that the failure to meet such goals may be corrected through reasonable modification of such contract, the school committee may amend the performance contract as necessary. In any case in which the school committee determines, on the advice of the superintendent, that the school has substantially failed to meet multiple goals in the performance

contract, the school committee may, on the advice of the superintendent: (1) limit 1 or more components of the innovation plan, as necessary; (2) suspend 1 or more components of the innovation plan, as necessary; or (3) terminate the authorization of the school; provided, however, that such limitation or suspension shall not take place before the completion of the second full year of the operation of the school, and such termination may not take place before the completion of the third full year of the operation of the school.

After the superintendent assesses the implementation of the innovation plan at the school, the school committee may, on the advice of the superintendent, amend the plan if the school committee determines that: (1) the failure of the school to meet 1 or more goals in the performance contract is related to the 1 or more components of the innovation plan; or (2) such amendment is necessary in view of subsequent changes in the district that affect 1 or more components of the plan, including, but not limited to, changes to contracts, collective bargaining agreements, or school district policies; provided, however, that any amendment involving a subsequent change to a teacher contract shall first be approved by teachers at the school, pursuant to the procedures in subsection (o).

Advantage/Alliance Schools – renewal

(r) At the end of the period of authorization of a Readiness School approved under subsection (p), the leadership of such school may petition the school committee to extend the authorization of the school for an additional period of not more than 5 years. Before submitting such petition, the leadership of the school shall convene a selection of school stakeholders, including, but not limited to, administrators, teachers, other school staff, parents, and external partners, as applicable, to discuss whether the innovation plan and performance contract at the school require revision, and to solicit recommendations as to such potential revisions. After considering the recommendations of the stakeholder group, the leadership of the school and the applicable superintendent shall jointly update the innovation plan and performance contract as necessary; provided, however, that any proposal regarding a new waiver or

exemption from the local teacher contract shall be approved by teachers at the school, pursuant to the provisions of subsection (o). Approval of the majority of the school committee as fully constituted shall be required to extend the period of authorization of a Readiness School. In any case in which such approval is not achieved, the leadership of the school and superintendent may jointly revise the innovation plan and performance contract and submit such revised plan and contract to the school committee for a subsequent vote.

Effective date – Advantage/Alliance School staffing plans

SECTION 4. With respect to local teacher contracts that are in effect on the date of enactment of this Act, that portion of paragraph 4 of subsection (l) of section 91 of chapter 71 of the General Laws, as appearing in section 3 of this act, only as it relates to potential waivers or exemptions from the local teacher contract, shall not apply until the stated expiration date of the applicable teacher contract.